

**AN ORDINANCE TO AMEND CHAPTER 5 OF THE  
WILMINGTON CITY CODE RELATING TO  
PUBLIC NUISANCES**

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#3757

**Sponsor:**

**Council  
Member  
Freel**

**WHEREAS**, Chapter 5 section 5-58 of the City Code sets forth provisions regarding the definition and abatement of public nuisances; and

**WHEREAS**, upon review by the City Administration and City Council, the Council deems it necessary and appropriate to amend Chapter 5 section 5-58 by modifying the provisions relating to points assessed for violations of Titles 4 and 11 of the Delaware Code relating to alcoholic liquors and the sale and distribution of tobacco, respectively, and violations of rules and regulations promulgated by the Delaware Alcohol Beverage Control Commissioner.

**THE COUNCIL OF THE CITY OF WILMINGTON HEREBY  
ORDAINS:**

**SECTION 1.** Chapter 5 section 5-58 of the City Code is hereby amended by deleting the stricken language and adding the underlined language:

\* \* \*

(c) *Assessment of points.*

- (1) The following violations shall be assigned a point value of eight points:
  - a. A violation of the provisions of Title 11, Chapter 5, Subchapter II, Subpart B of the Delaware Code entitled "Acts Causing Death."
  - b. A violation of the provisions of Title 11, Chapter 5, Subchapter VII, Subpart E of the Delaware Code entitled "Offenses Involving Deadly Weapons and Dangerous Instruments."
- (2) The following violations shall be assigned a point value of six points:
  - a. A violation of the provisions of Title 11, Chapter 5, Subchapter II, Subpart A of the Delaware Code entitled "Assaults and Related Offenses."
  - b. A violation of the provisions of Title 11, Chapter 5, Subchapter II, Subpart D of the Delaware Code entitled "Sexual Offenses."

- c. A violation of the provisions of Title 11, Chapter 5, Subchapter III, Subpart D of the Delaware Code entitled "Theft and Related Offenses."
- ~~d. A violation of the provisions of Title 11, Chapter 5, Subchapter V, Subpart B of the Delaware Code entitled "Sale and Distribution of Tobacco Products," including a violation of any rules and regulations promulgated by the Division of Alcohol Beverage Control and Tobacco Enforcement.~~
- e. d. A violation of the provisions of Title 11, Chapter 5, Subchapter VII, Subpart A of the Delaware Code entitled "Riot, Disorderly Conduct and Related Offenses."
- f. e. A violation of the provisions of Title 11, Chapter 5, Subchapter VII, Subpart B of the Delaware Code entitled "Offenses Involving Public Indecency."
- g. f. A violation of the provisions of Title 11, Chapter 5, Subchapter VII, Subpart D of the Delaware Code entitled "Offenses Involving Gambling."
- ~~h. A violation of Title 4 of the Delaware Code entitled Alcoholic Liquors, including a violation of any rules and regulations promulgated by the Division of Alcohol Beverage Control and Tobacco Enforcement.~~
- i. g. A violation of the provisions of Title 16, Part IV of the Delaware Code entitled "Uniformed Controlled Substance Act."

- (3) The following violations shall be assigned a point value of four points:
- a. A violation of any section of the International Building Code, including any amendments thereto as contained in Chapter 4 of the Wilmington City Code.
  - b. A violation of any section of Chapter 5, Businesses, of the Wilmington City Code.
  - c. A violation of Chapter 11, Article III of the Wilmington City Code entitled "Noise Control and Abatement."
  - d. A violation of any section of Chapter 12, Fire Prevention and Protection, of the Wilmington City Code.
  - e. A violation of any section of Chapter 34, Housing, of the Wilmington City Code.
  - f. A violation of any section of Chapter 36, Miscellaneous Offenses and Provisions, of the Wilmington City Code.
  - g. A violation of any section of Chapter 48, Zoning, of the Wilmington City Code.

- h. A violation of any section of the Delaware State Fire Prevention Regulations as adopted by the Wilmington City Code.
  - i. A violation of the National Fire Protection Association, Life Safety Code, as adopted by the Wilmington City Code.
  - j. A violation of the provisions of Title 16, Part II entitled "Regulatory Provisions Concerning Public Health."
  - k. A violation of Title 4 of the Delaware Code entitled "Alcoholic Liquors."
  - l. A violation of the provisions of Title 11, Chapter 5, Subchapter V, Subpart B of the Delaware Code entitled "Sale and Distribution of Tobacco Products."
- (4) The following violations shall be assigned a point value of three points:
- a. All sections of Chapter 3, Animals, of the Wilmington City Code.
- (5) The following violations shall be assigned a point value of two points:
- a. A violation of any rules or regulations promulgated by the Division of Alcohol Beverage Control and Tobacco Enforcement and/or the Delaware Alcohol Beverage Control Commissioner.
- ~~(5)~~ (6) The following shall be assigned a point value of one point:
- a. All sections of Chapter 13, Health and Sanitation, of the Wilmington City Code.
  - b. A police call for service to a property as documented by a police computer aided dispatch system or a written police report (with or without an arrest or conviction).

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**SECTION 2.** Effective date. This Ordinance shall become effective immediately upon its date of passage by the City Council and approval of the Mayor.

First Reading. . . . November 15, 2012  
 Second Reading. . . November 15, 2012  
 Third Reading . . December 6, 2012

Passed by City Council,  
December 6, 2012

Norman D. Griffiths  
President of City Council 12/6/12

ATTEST: Maribel Seijo  
City Clerk

Approved as to form this

13<sup>th</sup> day of November, 2012

Ramona Leone  
First Assistant City Solicitor

Approved this 10<sup>th</sup> day of  
Dec., 2012

J. M. Blum  
Mayor

**SYNOPSIS:** The ordinance amends Chapter 5 section 5-58 entitled Public Nuisances by changing the point value assessed to violations of Titles 4 and 11 of the Delaware State Code regarding alcoholic liquors and the sale and distribution of tobacco, respectively, and violations of rules and regulations promulgated by the Delaware Alcohol Beverage Control Commissioner. Specifically, the point value assessed for violations of Title 4 of Delaware Code, entitled "Alcoholic Liquors," and Title 11, chapter 5, subchapter V, subpart B of the Delaware Code entitled "Sale and Distribution of Tobacco Products," will change from 6 points to 4 points. The point value assessed for violations of any rules or regulations promulgated by the Division of Alcohol Beverage Control and Tobacco Enforcement and/or the Delaware Alcohol Beverage Control Commissioner will change from 6 points to 2 points.